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Attorneys for Plaintiff Fitbit, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FITBIT, INC.,

Plaintiff,

v.

ALIPHCOM d/b/a JAWBONE and
BODYMEDIA, INC.,

Defendants.

Case No. 3:17-cv-01139-WHO

**PLAINTIFF FITBIT, INC.'S MOTION TO
DISMISS**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff Fitbit, Inc. (“Fitbit”) hereby moves to dismiss all claims in this case against Defendants AliphCom d/b/a Jawbone and BodyMedia, Inc. (collectively, “Jawbone”) with prejudice.

Fitbit filed this patent infringement action against Jawbone on October 29, 2015. Jawbone answered on December 17, 2015, but did not file any counterclaims. Counsel for Jawbone has since withdrawn from this case. The parties have now entered into a settlement agreement, with an effective date of December 12, 2017, that resolves this case and all other civil cases between the parties. Pursuant to that settlement agreement, the parties have agreed that all of the claims of this case should be dismissed with prejudice, with each party bearing its own fees and costs.

Given that Defendants have not filed any counterclaims and that counsel for Defendants has now withdrawn from this case, Fitbit is unaware of any impediment to dismissal. Fitbit respectfully requests that the Court dismiss this case with prejudice, with each party bearing its own attorneys’ fees and costs.

Date: December 14, 2017

Respectfully submitted,
GIBSON, DUNN & CRUTCHER LLP

By: /s/ Frederick Chung

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CERTIFICATE OF SERVICE

I, Frederick Chung, hereby certify that on December 14, 2017, I did cause to be electronically filed the foregoing document with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing systems.

Dated: December 14, 2017

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Frederick Chung